

Assembly Bill No. 1457

Passed the Assembly August 31, 2006

Chief Clerk of the Assembly

Passed the Senate August 31, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act relating to state property, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1457, Baca. State property: transfer restrictions: City of San Bernardino.

(1) In 1991, the state, through the Director of General Services, conveyed certain real property to the City of San Bernardino on the condition that it only be used for park purposes in perpetuity unless the Legislature, by specific act, permitted other use, sale, or disposition of that property. The deed was recorded on January 15, 1992, and transferred to the city 9 specified parcels known as the Seccombe Lake Park within the County of San Bernardino.

This bill would authorize the City of San Bernardino to transfer a portion of the property, not to exceed 12.5 acres, to the Redevelopment Agency of the City of San Bernardino for sale for private development provided that specified conditions are met, including, among other things, that equivalent acreage of replacement parkland is acquired and developed within reasonable proximity to Seccombe Lake Park exclusively for park purposes that the Department of General Services reviews and approves the appraisal, conveyance, and acquisition documents, and that the city adopt a resolution detailing an improvement and maintenance plan for the park.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature authorizes, pursuant to the requirements of that certain quit claim deed to the City of San Bernardino dated December 5, 1991, and recorded on January 15, 1992, as No. 92-016139, and also known as the Seccombe Lake Park, the City of San Bernardino to transfer a portion of the property, not to exceed 12.5 acres, so conveyed to the

Redevelopment Agency of the City of San Bernardino for sale for private development purposes, provided that the sale meets all of the following conditions:

(1) The City of San Bernardino and the Redevelopment Agency of the City of San Bernardino shall prepare a detailed land plan showing which specific parcels of the property referred to in this section will be sold and which properties elsewhere in the City of San Bernardino will be acquired or developed, or both, with the proceeds of the sale of the parkland. The land plan shall include a provision requiring the City of San Bernardino to implement the land plan in accordance with the requirements of this section.

(2) The land plan and the environmental review shall demonstrate that there is no net loss in park acreage as a result of the implementation of the plan. If the sale of property and the acquisition of replacement parkland results in any loss of parkland within the City of San Bernardino, the city shall, within the times specified in subparagraphs (A) and (B), acquire or dedicate, or both, additional parkland within the city to compensate for that loss. The additional parkland shall be developed and dedicated in perpetuity for park purposes.

(A) For the portions of the replacement parkland that may be owned by the City of San Bernardino or the Redevelopment Agency of the City of San Bernardino as of January 1, 2006, the city shall, prior to the actual transfer of title of any portion of the Seccombe Lake Park to the redevelopment agency, complete both of the following:

(i) The city shall have complied with the Public Park Preservation Act of 1971 (Chapter 2.5 (commencing with Section 5400) of Division 5 of the Public Resources Code), and submitted to the Department of Parks and Recreation evidence of compliance, including, but not limited to, a copy of the recorded deed and title policy for, and map of, the substitute parkland required pursuant to that act.

(ii) The city shall have submitted a revised map of Seccombe Lake Park, with the revised acreage to the Department of Parks and Recreation.

(B) For the portions of the replacement parkland that are not presently owned by the City of San Bernardino or by the Redevelopment Agency of the City of San Bernardino as of

January 1, 2006, by a date not later than two years after the sale of the portion of Seccombe Lake Park authorized for private development purposes, the City of San Bernardino and the Redevelopment Agency of the City of San Bernardino shall acquire the fee title for and develop for park purposes the equivalent acreage of replacement parkland in one or two parcels within reasonable proximity to Seccombe Lake Park for the sole and exclusive purpose of utilizing the replacement parkland for park purposes in accordance with the Public Park Preservation Act of 1971.

(3) The City of San Bernardino shall conduct a public hearing before the city council for the purpose of review of the land plan and for taking public comment. The hearing shall be scheduled for a specific time during a regularly scheduled meeting of the city council and shall be separately noticed and publicized.

(4) The City of San Bernardino or the Redevelopment Agency of the City of San Bernardino, prior to closing any real property transactions with respect to any sales pursuant to the land plan, shall submit an independent appraisal of the land to be sold and the replacement land to be acquired, developed, or both, to the Department of General Services for concurrence with state appraisal standards. This appraisal shall be made available to the public.

(5) All land acquired or dedicated, including land previously acquired by the state and transferred to the City of San Bernardino, other than land identified for sale pursuant to the land plan, shall be protected in perpetuity by recordation of public park use restrictions at the time of purchase or dedication, and, in the case of properties previously acquired from the state that are intended to remain public parkland, within 60 days after approval of the land plan by the City of San Bernardino or within 60 days of the acquisition of the replacement parkland. The City of San Bernardino shall not sell or acquire land pursuant to this section unless and until the council approves the land plan specified in subparagraph (B) and the Department of General Services reviews and approves the appraisal, conveyance, and acquisition documents. The city shall reimburse the Department of General Services and the Department of Parks and Recreation for any costs or expenses associated with their review and

approval of the appraisal, conveyance, and acquisition documents.

(b) All transactions that occur pursuant to this section shall comply with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(c) Notwithstanding any other provision of this section, the final transfer and recording of any portion of Seccombe Lake Park shall not occur until after the City of San Bernardino has done both of the following:

(1) Acquired the replacement parkland and developed it as a park.

(2) Adopted a resolution detailing an improvement and maintenance plan for Seccombe Lake Park and all replacement parkland.

(d) It is the intent of the Legislature that the transfer of property authorized by this section is contingent on the City of San Bernardino providing adequate funding for operation and maintenance of Seccombe Lake Park and all replacement parkland.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that the people of the state may have the benefit of a more appropriate use of existing park and open-space lands as soon as possible, it is necessary that this act take effect immediately.

Approved _____, 2006

Governor